



PTO/SB/01 (07-06)

Approved for use through 01/31/2007. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	
		First Named Inventor	PAULO VALEZ MARIN HERNANDEZ
		COMPLETE IF KNOWN	
		Application Number	10/506,800
<input type="checkbox"/> Declaration Submitted With Initial Filing		OR	<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)
		Filing Date	13 MARCH 2002
		Art Unit	
		Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INFLATABLE TOY AND ITS PROCESS OF ELABORATION

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) PCT/MX/02/00020 as United States Application Number or PCT International

Application Number 10/506,800 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB01 (07-06)

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/> The address associated with Customer Number:	10/506,800	OR	<input type="checkbox"/> Correspondence address below
Name FLAVIO VALEJO MARIN HERNANDEZ				
Address CERRADA 8 # 2241-27 Colonia Residencial Patriz				
City ZAPOPAN	State JALISCO	ZIP 45150		
Country MEXICO	Telephone (0) 52-33 36-56-90-01	Email Fax 36-36-63-38 ✓		
<p>WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Inventor's Signature			Date	
Residence: City	State	Country	Citizenship	
Mailing Address				
City	State	Zip	Country	
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB02A or 02LR attached hereto.				



UNITED STATES PATENT AND TRADEMARK OFFICE



25 AUG 2006

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SENT VIA FACSIMILE TO
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AND VIA FIRST CLASS MAIL

Flavio Valerio Marin Hernandez
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ZAPOPAN, JALISCO, MEXICO

In re Application of
HERNANDEZ
Serial No.: 10/506,800
PCT No.: PCT/MX02/00020
Int. Filing Date: 13 March 2002
Priority Date: None
Atty. Docket No.: None
For: INFLATABLE TOY AND PRODUCTION
METHOD THEREOF

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:
: DECISION ON
: DECLARATION
:
:

This is in response to applicant's communication was filed in the United States Patent and Trademark Office, PCT Legal Office, on 30 June 2006.

A review of the application file reveals that the request for entry into the U.S. national stage was filed on 07 September 2004 along with an executed declaration. The published international application PCT/MX02/00020 listed the sole inventor's name as Flavio Valerio Marin Hernandez. The executed declaration identifies the inventor as Flavio Valerio Marin but the declaration was executed as Flavio Marin Hernandez.

On 31 March 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that the declaration was not executed in accord with 37 CFR 1.66 or 1.68 as the name of the inventor listed on the declaration did not correspond to the inventor's name listed on the published application.

On 30 June 2006, applicant submitted a statement declaring that his name is Flavio Valerio Marin Hernandez, which was accompanied by a notary's statement that Flavio Marin Hernandez appeared before him.

DISCUSSION

The statement does not satisfy the requirements of 37 CFR 1.66 or 1.68. The declaration submitted on 07 September 2004 is not properly executed as it states only "Marin" as the inventor's last name, where the international application lists "Marin Hernandez". Thus, the declaration is unacceptable.

The declaration must identify the inventor's name as listed on the published international application, that is, Flavio Valerio **Marin Hernandez**. The declaration must also identify the inventor's mailing address, citizenship and residency. A copy of the Form PTO/SB/01 is enclosed for applicant's convenience.

Application No.: 10/506,800

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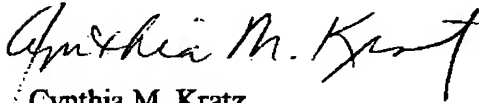
CONCLUSION

For the reasons stated above, the declaration submitted on 07 September 2004 is unacceptable. The application will be held in the PCT Legal Office to await applicant's reply.

The proper reply is the submission of a newly executed declaration in compliance with 37 CFR 1.497(a) and (b) and in accord with this decision.

Applicant has ONE (1) month from the mail date of this decision within which to reply or the time remaining under the Notification of Missing Requirements, whichever is longer.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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PCT Legal Office
Telephone: (571) 272-3286
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Enclosure: Form PTO/SB/01

UNITED MEXICAN STATES)
STATE OF JALISCO)
CITY OF GUADALAJARA)
CONSULATE GENERAL OF THE)
UNITED STATES OF AMERICA)

SS:



AFFIDAVIT

Before me Johnathan A. Hilton, Consul of the United States of America in
and for the Consular District of the United States Consulate General Guadalajara, Jalisco, Mexico, duly
commissioned and qualified, personally appeared :

Flavio Valerio Marin Hernandez

who being duly sworn, states as follows:

- (1) My name is: FLAVIO VALERIO MARIN HERNANDEZ
(2) I reside at: Cerrada 8 # 2241-27 COLONIA RESIDENCIAL IOTIA
(3) MEXICAN ZAPOCAN JALISCO MEXICO
C.P. 45150

I DECLARE UPON OATH:

MY NAME IS,

first name FLAVIO
second name VALERIO
father's name MARIN
mother's name HERNANDEZ

And further affiant sayeth not.

Flavio Marin Hernandez
[Signature of Affiant]

Subscribed and sworn before me this 22 day of September, 2006.

[Seal]

Consul of the United States of America

Johnathan A. Hilton

Vice Consul of the
United States of America



INSTITUTO FEDERAL ELECTORAL
REGISTRO FEDERAL DE ELECTORES
CREDENCIAL PARA VOTAR

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FLAVIO VALERIO

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DOCUMENTO LE SEA EMITIDO

FERNANDO ZERTUCHE MUNOZ
SECRETARIO EJECUTIVO DEL
INSTITUTO FEDERAL ELECTORAL

Flavio Marin Hdez

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